

Office of the Secretary of Defense

§ 326.3

exempt under the provisions of 5 U.S.C. 552a(k)(2).')

PART 326—NATIONAL RECONNAISSANCE OFFICE PRIVACY ACT PROGRAM

Sec.

- 326.1 Purpose.
- 326.2 Application.
- 326.3 Definitions.
- 326.4 Policy.
- 326.5 Responsibilities.
- 326.6 Policies for processing requests for records.
- 326.7 Procedures for collection.
- 326.8 Procedures for requesting access.
- 326.9 Procedures for disclosure of requested records.
- 326.10 Procedures to appeal denial of access to requested record.
- 326.11 Special procedures for disclosure of medical and psychological records.
- 326.12 Procedures to request amendment or correction of record.
- 326.13 Procedures to appeal denial of amendment.
- 326.14 Disclosure of record to person other than subject.
- 326.15 Fees.
- 326.16 Penalties.
- 326.17 Exemptions.

AUTHORITY: Pub. L. 93-579, 88 Stat 1896 (5 U.S.C. 552a).

SOURCE: 65 FR 20372, Apr. 17, 2000, unless otherwise noted.

§ 326.1 Purpose.

This part implements the basic policies and procedures outlined in the Privacy Act of 1974, as amended (5 U.S.C. 552a), and 32 CFR part 310; and establishes the National Reconnaissance Office Privacy Program (NRO) by setting policies and procedures for the collection and disclosure of information maintained in records on individuals, the handling of requests for amendment or correction of such records, appeal and review of NRO decisions on these matters, and the application of exemptions.

§ 326.2 Application.

Obligations under this part apply to all employees detailed, attached, or assigned to or authorized to act as agents of the National Reconnaissance Office. The provisions of this part shall be made applicable by contract or other legally binding action to government

contractors whenever a contract is let for the operation of a system of records or a portion of a system of records.

§ 326.3 Definitions.

Access. The review or copying of a record or its parts contained in a system of records by a requester.

Agency. Any executive or military department, other establishment, or entity included in the definition of agency in 5 U.S.C. 522(f).

Control. Ownership or authority of the NRO pursuant to federal statute or privilege to regulate official or public access to records.

Disclosure. The authorized transfer of any personal information from a system of records by any means of communication (such as oral, written, electronic, mechanical, or actual review) to any person, private entity, or government agency other than the subject of the record, the subject's designated agent, or the subject's legal guardian.

He, him, and himself. Generically used in this part to refer to both males and females.

Individual or requester. A living citizen of the U.S. or an alien lawfully admitted to the U.S. for permanent residence and to whom a record might pertain. The legal guardian or legally authorized agent of an individual has the same rights as the individual and may act on his behalf. No rights are vested in the representative of a dead person or in persons acting in an entrepreneurial (for example, sole proprietorship or partnership) capacity under this part.

Interested party. Any official in the executive (including military), legislative, or judicial branches of government, U.S. or foreign, or U.S. Government contractor who, in the sole discretion of the NRO, has a subject matter or physical interest in the documents or information at issue.

Maintain. To collect, use, store, disclose, retain, or disseminate when used in connection with records.

Originator. The NRO employee or contractor who created the document at issue or his successor in office or any official who has been delegated release or declassification authority pursuant to law.

Personal information. Information about any individual that is intimate or private to the individual, as distinguished from ‘corporate information’ which is in the public domain and related solely to the individual’s official functions or public life (i.e., employee’s name, job title, work phone, grade/rank, job location).

Privacy Act Coordinator. The NRO Information and Access Release Center Chief who serves as the NRO manager of the information review and release program instituted under the Privacy Act.

Record. Any item, collection, or grouping of information about an individual that is maintained by the NRO, including, but not limited to, the individual’s education, financial transactions, medical history, and criminal or employment history, and that contains the individual’s name or identifying number (such as Social Security or employee number), symbol, or other identifying particular assigned to the individual, such as fingerprint, voice print, or photograph. Records include data about individuals which is stored in computers.

Responsive record. Documents or records that the NRO has determined to be within the scope of a Privacy Act request.

Routine use. The disclosure of a record outside the Department of Defense (DoD) for a use that is compatible with the purpose for which the information was collected and maintained by NRO. Routine use encompasses not only common or ordinary use, but also all the proper and necessary uses of the record even if such uses occur infrequently. All routine uses must be published in the FEDERAL REGISTER.

System managers. Officials who have overall responsibility for a Privacy Act system of records.

System notice. The official public notice published in the FEDERAL REGISTER of the existence and general content of the system of records.

System of records. A group of any records under the control of the NRO from which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to that individual.

Working days. Days when the NRO is operating and specifically excludes Saturdays, Sundays, and legal public holidays.

§ 326.4 Policy.

(a) *Records about individuals—*

(1) *Collection.* The NRO will safeguard the privacy of individuals identified in its records. Information about an individual will, to the greatest extent practicable, be collected directly from the individual, and personal information will be protected from unintentional or unauthorized disclosure by treating it as marked ‘For Official Use Only.’ Access to personal information will be restricted to those employees whose official duties require it during the regular course of business.

(i) *Privacy Act Statement.* When an individual is requested to furnish personal information about himself for inclusion in a system of records, a Privacy Act Statement is required to enable him to make an informed decision whether to provide the information requested. A Privacy Act Statement may appear, in order of preference, at the top or bottom of a form, on the reverse side of a form, or attached to the form as a tear-off sheet.

(ii) *Social Security Numbers (SSNs).* It is unlawful for any governmental agency to deny an individual any right, benefit, or privilege provided by law because the individual refuses to provide his SSN. However, if a federal statute requires that the SSN be furnished or if the SSN is required to verify the identity of an individual in a system of records that was established and in use before January 1, 1975, this restriction does not apply. When collecting the SSN, a ‘qualified’ Privacy Act Statement must be provided even if the SSN will not be maintained in a system of records. The ‘qualified’ Privacy Act Statement shall inform the individual whether the disclosure is mandatory or voluntary, by what statutory or other authority such number is solicited, and what uses will be made of it.

(2) *Maintenance.* The NRO will maintain in its records only such information about an individual which is accurate, relevant, timely, and necessary to accomplish a purpose which is required